

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objection to the drawings

The Examiner has objected to the drawings for failing to show rivets as described on page 6 of the specification. However, the Examiner is directed to Figs. 5 and 6, where the rivets are shown and identified by the reference numeral "4" as indicated in the specification. The rivets are particularly apparent in Fig. 6 due to the rounded heads of the rivets visible on at least the top side of side plate 3.

Revised Figs. 1 and 2 are shown in the "Replacement Sheet" of drawings appended herewith. Figs. 1 and 2 have been corrected to remove the "Prior Art" caption. The specification has been amended to modify the description of Fig. 2 to now describe Fig. 2 as a cross-sectional drawing of a welded wheel rim assembly.

Additionally, Fig. 2 has been corrected to add a reference numeral "215" identifying a weld joining together wheel members. The specification has been correspondingly amended to incorporate the reference numeral "215" in discussion of the weld.

Withdrawal of the drawing rejections is therefore respectfully requested.

Objections to the specification

The Examiner has objected to the term "Related Art" used in the second heading within the "Background" section of the application on page 1. It is respectfully submitted that there is no basis for such an objection. Moreover, it is submitted that the language used in the present application is in accordance with, and is even suggested by, the MPEP.

The Examiner is invited to review section 608.01(c) of the MPEP, which reads as follows:

608.01(c) Background of the Invention

The Background of the Invention ordinarily comprises two parts:

(1) **Field of the Invention**: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions. The statement should be directed to the subject matter of the claimed invention.

(2) **Description of the related art** including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A paragraph(s) describing to the extent practical the state of the prior art **or other information** disclosed known to the applicant, including references to specific prior art **or other information** where appropriate. Where applicable, the problems involved in the prior art **or other information** disclosed which are solved by the applicant's invention should be indicated. See also MPEP § 608.01(a), § 608.01(p) and § 707.05(b). (emphasis added)

Applicant has employed the wording of the MPEP to identify parts of the "Background" section of the present application. Applicant is aware of no requirement to include, within a "Background" or any other section of the application, any express identification or admission that any information is "prior art".

Therefore, withdrawal of the objection is respectfully requested.

Claim objections

Claims 1-6 presently stand objected to because of informalities. Claims 1-6 have been amended to correct the informal format, and eliminate the phrases "the said" and "As mentioned." Withdrawal of the objection is respectfully requested.

Rejection of claims 1-6 under 35 U.S.C. § 112, second paragraph

Claims 1-6 presently stand rejected as being indefinite, because the term "structure" in line 10 of claim 1 lacks antecedent basis. Claim 1 has been amended by eliminating the term "structure" from line 10, by replacing the phrase "given the said structure" with the phrase "wherein." Withdrawal of this rejection is therefore respectfully requested.

Rejection of claims 1-3 under 35 U.S.C. § 102(b)

Claims 1-3 presently stand rejected as being anticipated by Woldring et al (U.S. 2,943,889). This rejection is respectfully traversed for the following reasons.

Claim 1 is amended to more clearly describe the present invention. It is respectfully submitted that Woldring fails to disclose or suggest each and every element required by claim 1. "A claim is anticipated *only if each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." (emphasis added) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites first and second wheel members each having a disk portion and a rim portion. For each of the first and second wheel members, the rim portion extends annularly towards one side of the disk portion from a circumferential edge. Also, a reticulation is formed in the center of the disk portion.

The first and second wheel members are joined together by placing the disk of the first wheel member against the disk of the second wheel member. A side plate is mounted against the disk portion of the first wheel member (sandwiching the disk of the first wheel member between the side plate and the disk of the second wheel member), and the wheel members and side plate are conjoined into a one-piece entity which configured to be mounted on a vehicle hub by threaded fasteners extending through each of the first wheel member, the second wheel member, and the side plate.

Woldring fails to show this structure according to claim 1. Woldring shows only rim members 30 fastened to hub disks 20. It is respectfully submitted that this structure fails to disclose or suggest the structure recited by claim 1 of the present application. The hub disks 20 each have a central hub opening 21 defined by a flange, or sleeve 22 which is welded to the circumference of a hub 40. Thus, the hub disks 20 are welded to the hub, and joined only to the rim members 30 by threaded fasteners 14.

Claim 1 of the present application requires that the disk portions of both wheel members are configured to be joined to a vehicle hub by threaded fasteners passing through the disk portions of both wheel members *together with* the side plate. If the hub disks 20 are construed to be the side plates required by claim 1, then the Woldring does not show side plates fastened to a vehicle hub by threaded fasteners *together with* the wheel members. Alternatively, if the hub disks 20 are construed to be a part of the vehicle hub, then Woldring does not show side plates required by claim 1 *in addition to* the vehicle hub.

If the hub of the Woldring wheel is driven, a shearing force is created between the hub disks 20 and the rim 30 at holes 24, 34, by the bolt 14. In the wheel rim structure of the present invention, there is no shearing force between the first and second wheel members and the side plate (or plates, as recited in claim 2) because the first and second wheel members and the side plate (or plates) are fastened together by the threaded fasteners which couple the wheel rim structure to the vehicle hub.

It is respectfully submitted that, for at least these reasons, Woldring fails to anticipate claim 1 of the present application. It is therefore respectfully submitted that claim 1, and claims 2 and 3 which depend from claim 1, are allowable over the cited references. Withdrawal of the rejection of claims 1-3 is respectfully requested.

Rejection of claims 4-6 under 35 U.S.C. § 103(a)

Claims 4-6 presently stand rejected as obvious over Woldring in view of Schultz, Jr. (claim 4), Hawley et al (claim 5), and Eksergian (claim 6). These rejections are respectfully traversed for the following reasons.

As discussed above, Woldring fails to anticipate claim 1 because Woldring fails to disclose or suggest each and every element required by claim 1. It is respectfully submitted that each of the Schultz, Jr., Hawlet, and Eksergian patents fail to supplement the deficiencies of Woldring regarding the limitations of claim 1. Therefore, the combinations of Woldring with Schultz, Jr., Hawlet, and Eksergian fail to disclose or suggest each and every limitation of claim 1, and therefore fails to disclose or suggest each

and every limitation of the dependent claims 4, 5, and 6, respectively. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

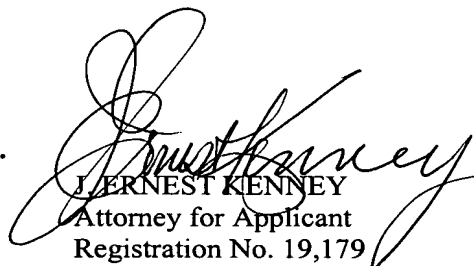
In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-6 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Date: September 26, 2005

Respectfully submitted,


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